

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

Plaintiff,

v.

**ORDER DENYING MOTION
TO EXCLUDE DRAWING
OF CLOCK (DKT NO. 4630)**

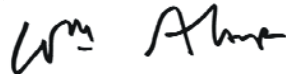
IVAN CERNA, *et al.*

Defendants.

Defendant Guillermo Herrera's motion to exclude the drawing of a clock reading the time "12:10" (the alleged time of the Armando Estrada homicide) seized from his jail cell is **DENIED**. Rule 16 did not require that the prosecutor copy the drawing and send the copy to defense counsel. All Rule 16 required was that defense counsel be notified that evidence was on hand at the federal building and be extended an opportunity to come and inspect, copy, or photograph any evidence, all of which was timely done here.

IT IS SO ORDERED.

Dated: July 8, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE